


OCA 87-1860
5 May 1987

MEMORANDUM FOR: C/PB/PPG/OS
C/ALD/OGC
C/POL/OS

FROM:


Legislation Division, OCA

STAT

SUBJECT: Defeat of Bingaman Polygraph Amendment
by Senate Armed Services Committee

1. On April 30, 1987, the Senate Armed Services Committee defeated an amendment to the Fiscal Year 1988-89 Department of Defense Authorization bill, S. 864, which was offered by Senator Bingaman on the subject of polygraph use by the Department of Defense (DoD). Copies of the amendment are not available. We understand, however, that the amendment would have directed the National Academy of Sciences to study the polygraph and/or DoD use thereof and required DoD and the Agency to cooperate in the study.

2. Although Senator Bingaman could offer the amendment during Senate floor consideration of the bill, this is not likely, given the negative vote in the committee.

3. With this action, we understand that there is no provision currently in either S. 864 or H.R. 1748, the House version of the DoD authorization bill, with respect to DoD use of the polygraph. Theoretically, this means that DoD could implement an unconditional polygraph program. In practice, however, DoD is not likely to do this. Instead, however, we understand that Representative Young is considering offering an amendment during House floor consideration of H.R. 1748, which would insert in the bill the favorable language concerning DoD polygraph use similar to that contained in his amendment on this subject of June 26, 1985 (p. H 5027 from Congressional Record of that date - attached).

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4. We will keep you informed of developments in this area.

Attachment

cc: 

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Distribution:

Orig. - Addressees (w/att)

1 - [redacted]

1 - [redacted]

1 - OCA Record

1 - ~~OCA/LEG Subj File: Polygraph~~

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OCA/LEG, [redacted] (5 May 87)

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students who currently attend school in Highland Falls.

This amendment has the support of many of my colleagues, including my good friend Mr. GILMAN, who for many years represented Highland Falls; Mr. STRATTON, the distinguished dean of the New York congressional delegation; the chairman and ranking minority member of the Labor, HHS, Education Appropriations Subcommittee, Mr. NATCHER and Mr. CONTE; and the chairman and ranking minority member of the Defense Appropriations Subcommittee, Mr. ADDABBO and Mr. MCDADE. I very much appreciate the assistance of Mr. HILLIS, a member of the West Point Board of Visitors, and the ranking minority member of the Armed Services Subcommittee on Military Personnel and Compensation; Mr. DICKINSON, the ranking minority member of the Armed Services Committee; and particularly the chairman of the Armed Services Committee, Mr. ASPIN, in offering this amendment on my behalf. ●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: On page 200, after line 4, insert the following new section:

SEC. 1050. LIMITED COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) The Secretary of Defense is authorized and directed to institute a program of counterintelligence polygraph examinations for military, civilian and contractor personnel of the Department of Defense, military departments, and the armed forces whose duties involve access to classified information.

(b) The program instituted pursuant to subsection (a) shall provide that, in the case of such individuals whose duties involve access to classified information within special access programs established pursuant to section 4.2(a) of Executive Order 12356, a counterintelligence polygraph examination shall be required prior to granting access to such information and aperiodically thereafter at random while such individuals have access to such information.

(c) In the case of individuals whose duties involve access to classified information other than that information covered in subsection (b) of this section, a counterintelligence polygraph examination may be required prior to granting access to such information and aperiodically thereafter at random while such individuals have access to such information.

(d) A counterintelligence polygraph examination conducted pursuant to this section shall be limited to technical questions necessary to the polygraph technique and questions directed related to espionage, sabotage, terrorism and unauthorized disclosures of classified information.

(e) The authority of the Secretary of Defense under this section to provide for the use of polygraph examinations shall be in addition to any other authority the Secretary possesses on the date of enactment of this act to provide for such examinations under applicable laws and regulations.

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Chairman, at this point let me say that the gentleman in the well, the gentleman from Florida [Mr. YOUNG] is the originator of the amendment, but I offered it because I support it very much.

Due to the Walker spy ring and any number of things that have impacted the security and the secrecy and our ability to protect the secrets of this country, I think it is a very good amendment. The gentleman from Florida is more knowledgeable since he is the author of the amendment, and I would like to yield to him at this time.

Mr. YOUNG of Florida. I thank the gentleman for offering the amendment in my behalf and yielding the time to me.

As the gentleman said, this effort is directed at spy rings like we have just seen with John Walker and his naval espionage ring that operated for so long and compromised our antisubmarine warfare capability, we are not even sure how seriously yet.

In a very dramatic action, Mr. Chairman, the House has just overwhelmingly given our Government substantial tools in the battle against drug abuse and the importation of those illegal drugs. This amendment would give a similar set of tools to those people to whom we have given our national security responsibility. In hearing after hearing, those people charged with that responsibility have testified that one of the very best tools that they could have is the ability to randomly polygraph those persons who have national security clearances.

Mr. Chairman, the Army, this month, said that there were 481 incidents last year in which members of the Army were approached by KGB officers to become spies for the Soviet Union. The Central Intelligence Agency today polygraphs people who work for them as a condition of employment.

In a letter to us from the CIA, John McMahon, the Deputy Director, tells us that it is a very, very effective tool. At NSA, handling some of the most delicate and sensitive communications and transmissions, they have polygraph authority as a condition of employment.

□ 2130

Mr. Chairman, I repeat, those people in the military who are working for defense contractors, who have the same access to information that the CIA has or NSA has, are not subject to that same polygraph examination.

The Director of the Office of Naval Intelligence testified, after the Walker

case became public, that the very best tool that he could have in counterintelligence activity is a random polygraph.

Christopher Boyce, an ex-employee of TRW, convicted of selling secrets to the Soviet Union, in testimony before the other body about taking polygraphs said:

If I had known this, I would never have considered an act of espionage.

I have a statement from Stanislav Levchenko. Stan was a KGB major. He defected to the United States. Stan Levchenko authorized me to make this statement in his behalf:

In my point of view, the use of polygraphs by the United States Government as a part of its security screening of government employees constitutes a serious obstacle for the Soviets in their penetration of U.S. Government agencies.

Mr. Chairman, there have been hearings and meetings on this subject prior to the revelation of the Walker case, and since the revelation of the Walker case, and those individuals who have the responsibility for our counterintelligence activities tell us repeatedly that the polygraph program is one of the best tools that they can possibly have.

Now, Mr. Chairman, I mentioned the letters from the CIA and I mentioned the letters from NSA. There is also a letter from the Secretary of the Navy endorsing this concept, but I want to tell you something else. In private industry in the United States, this type of polygraph is used extensively. I have a letter here from a gentleman who is in charge of security for Days Inn, a motel chain.

Now, Mr. Chairman, he says that their loss from employees exceeded more than \$1 million a year, but was reduced in the first year they employed the polygraph, to only about \$100,000, testifying to the effectiveness of the polygraph.

I say again, as Christopher Boyce said, had he known that a polygraph program would be in place, a counterintelligence polygraph, he would never have considered an act of espionage.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama [Mr. DICKINSON] has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. Mr. Chairman, let me say before I yield to the gentleman, it is inconceivable to me and to most people outside of Government that the CIA that handles top secret and the most sensitive material, they may require a polygraph. The FBI may require a polygraph test. Our other sensitive intelligence-gathering agencies may require a polygraph test, but our military, and we have just seen what has happened with the Walker spy group, the Army, the Navy, the Air Force, under today's laws, they cannot require this polygraph test.

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This simply gives the same tools to the military. How sensitive can you get when we are dealing with the most sensitive subjects that deal with this very vital part of the Government?

Mr. Chairman, the gentleman is making a good case. I would hope that the Committee would listen to him, because it is just so much common sense, that I am surprised that it has not already been put into law.

Mr. Chairman, I yield to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I would like to call to the attention of the Committee, we know about the Walker case and we know how much that case has compromised our ability to follow the Soviet submarines.

Walker had cryptological access. There is a test program presently in place in the Department of Defense allowing a limited number of polygraphs, but that test program would not have gotten to the Walkers, because it did not authorize the use of the polygraph at Walker's security clearance level.

Richard Kampiles—listen to this one now—Richard Kampiles was an enlisted man. Richard Kampiles sold to the Soviet Union for \$3,000 the operating manual for one of our most sophisticated overhead sensor systems that gives us advance warning if the Soviets begin to do something that we ought to be concerned about.

Kampiles, in a position of having access to that information, should have known that he might have been polygraphed.

Now, we do not have the resources to polygraph everybody. We recognize that; but the fact that a polygraph program is in place will be a strong deterrent.

Listen to the words of Christopher Boyce, who was convicted of spying and said he never would have gotten into espionage had he known there was a polygraph program in place.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I would be very pleased to yield to the gentleman.

Mr. FAZIO. Mr. Chairman, I would like to address a question to the gentleman in the well.

I know we are all concerned about the problem of espionage and I think we all know that there are ways that we can make more efficient our approach to finding examples where people have broken codes and violated our constitutional protections. But what protection does the individual have under the gentleman's amendment? Is there any limitation on the kind of questions that might be appropriate to be asked under a polygraph? Is there something equivalent to a warrant, perhaps, that would make it proper?

Mr. DICKINSON. Mr. Chairman, before I yield to the gentleman to respond, let me say, what protection does the American citizen have against

the spies if we cannot even subject them to this test? Why are we worried about them if they are not worried about us?

Mr. Chairman, I am glad to yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I understand. I am trying to be helpful. I do not mean to be antagonistic. I am looking for some sort of balance here so that when we provide this sort of right to the government, we also look to the individual rights of the employees of defense contractors or the Federal Government itself.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield. I will respond to my colleague that we share the same concerns and we ran this through the legal department of practically everybody we could find that would be affected by this.

Section (d) of the amendment says that a counterintelligence polygraph examination conducted pursuant to this section shall be limited to technical questions necessary to the polygraph technique and questions directly related to espionage, sabotage, terrorism and unauthorized disclosures of classified information.

We definitely are not looking for any kind of a witch hunt. We are trying to pry into someone's personal life, so we do limit the use of the polygraph, as the gentleman suggests.

Mr. FAZIO. Mr. Chairman, will the gentleman yield for just one additional question.

Mr. DICKINSON. Of course, I am pleased to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I am just wondering if the gentleman could indicate who would authorize the decision to proceed on this?

Mr. YOUNG of Florida. The amendment directs the Secretary of Defense to institute a program of counterintelligence polygraph; recognizing that there are many people who should be polygraphed or should be part of the program, we do not have the assets and the capability of doing it immediately. The Secretary would have to determine that, phase in the program, as he has the assets or as we make the assets available.

Mr. FAZIO. Mr. Chairman, if I could indicate, I would only hope that the authority would rest at a very high level, so that it would be something that would be done only under the most sensitive circumstances.

Mr. YOUNG of Florida. Well, the Secretary of Defense is the highest level, other than the Commander-in-Chief.

Mr. FAZIO. Exactly.

Mr. NICHOLS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to compliment the gentleman from Florida on his amendment and his concern over the security of this country. The gentleman has discussed with me at

some length, and I suppose the rationale of why he discussed it with me. I would like to give a little legislative history on this.

This comes from the authorization bill last year. When an effort was made to increase the people in the Defense Department who could be given polygraph tests, the gentleman from Texas [Mr. Brooks] strongly objected and we arrived at an agreement in which a limitation was placed at 3,500 in a test program that was to be completed in the 1985 fiscal year. That test program is still underway. I tried to get some figures on it this afternoon. I was unable to do so and I would like to engage the gentleman from Florida in a little colloquy a little later. Perhaps the gentleman has those figures, but that is the situation.

The situation in the Senate is simply this. The Senate has extended for 1 year only the 1985 current test program. The position of the Department of Defense is basically that they feel that they do not have sufficient employees who are trained to administer polygraph tests over and above what they now have under the training program. They have about 152 polygraph operators that administer these tests. They tell me they can do about 250 polygraph tests a year. That would equate out to somewhere around the 3,500 figure.

I am told that very little has been done on this. The gentleman from Florida might want to discuss that if he has some information on it.

□ 2140

But I thought I ought to set the record straight. That is where the issue is.

There is objection, strong objection to polygraph in general.

I expect to support the gentleman from Florida's bill. I think it is a good bill. But I thought it ought to be called to the attention of the House exactly where we are on this issue.

If the gentleman would answer, I would like to ask him if he has any current information on the 1985 tests and where we are?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would respond by saying my understanding is at this point they have done about 75 counterintelligence polygraphs. I would point out, if the gentleman would yield further, one of the problems is having the assets available to do the counterintelligence polygraphs along with the other types of polygraphs they are called on to do.

I recognize, and I think if we authorize this program, we are going to have to give them probably about \$2.5 million, which does not sound like a lot of money in the battle against spies, but they need about \$2.5 million next year in order to allow them to upgrade

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their training programs to get more polygraphers in place.

This is a brandnew program. That is why it is not underway.

But I would say to the gentleman it is time that we get started because the people of America are sick and tired of us paying for our national defense efforts only to see it stolen or bought from us by the Soviets and put into their national defense efforts, which makes ours half again as costly as it ought to be.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding and I rise in support of the Dickinson-Young amendment.

I would point out to the gentleman from Alabama that the Secretary of the Navy was on the Hill yesterday asking for this legislation and asking that he be given the authority to give polygraphs. And he said that is the best way for him to slow down espionage, not to have another Walker case. And if the Secretary of the Navy wants the authority I think we ought to give it to him.

I appreciate the gentleman yielding.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding and also rise in support of the Dickinson-Young amendment.

I would point out in answer to the gentleman's question that however many polygraphs actually have been administered, there are 164,000, give or take a few, 164,000 people in the armed services with the very highest security clearance in the Armed Forces of the United States. There are 4.3 million people with security clearances of one sort or another.

Now when you consider that they may have only taken 75 polygraphs and they are only authorized to perform 3,400 polygraphs, we are just basically scratching the surface. We are not even coming near, and I think the gentleman's amendment is well intentioned.

AMENDMENT OFFERED BY MR. BROOKS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DICKINSON

Mr. BROOKS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS as a substitute for the amendment offered by Mr. DICKINSON: On page 200, after line 4, insert the following new section:

LIMITATION ON USE OF FUNDS FOR CONDUCTING POLYGRAPH EXAMINATION; REPORT

(a) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be used for the purpose of implementing paragraphs D.8 and 9, D.12.b and g, D.13.c, and E.1.g of Department of Defense Directive 5210.48, dated December 24, 1984, relating

to polygraph examinations and examiners, except for the continuation of the test program authorized by section 1307 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2613). The total number of persons examined under the test program in fiscal years 1985 and 1986 may not exceed 3,500.

(b) Not later than December 31, 1986, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of polygraph examinations administered by or for the Department of Defense during the fiscal year 1986. The report shall include (A) the number of polygraph examinations conducted, (B) a description of the purposes and results of such examinations, (C) a description of the criteria used for selecting programs and individuals for examination, (D) the number of persons who refused to submit to the examination, (E) a description of the actions taken, including denial of clearance or other adverse action, when an individual either failed or refused to take the examination, (F) an explanation of the uses made of the results of the examinations, and (G) a detailed accounting of those cases in which more than two examinations were needed to attempt to resolve discrepancies.

(c)(1) The Secretary of Defense shall establish a continuing polygraph research program to support polygraph activities within the Department of Defense. The research program shall include evaluation of the validity of polygraph techniques used by the Department, polygraph countermeasures and anti-countermeasures, and developmental research on polygraph techniques, instrumentation, and analytic methods.

(2) The Secretary of Defense shall report annually the results of the polygraph research program referred to in paragraph (1) to the Committees on Armed Services of the Senate and House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1986 in the amount of \$590,000 to carry out the continuing research program referred to in paragraph (1).

(d) This section does not apply—

(1) in the case of any individual assigned to, or detailed to, the Central Intelligence Agency or to any expert or consultant under a contract with the Central Intelligence Agency;

(2) in the case of any individual employed by, assigned to, or detailed to, the National Security Agency, any expert or consultant under a contract with the National Security Agency, any employee of a contractor of the National Security Agency, or any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored; or

(3) in the case of any individual applying for a position in the National Security Agency.

(e) The provision of subsection (a) shall expire on September 30, 1986.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object, I

wonder if the gentleman would be willing to allow us to see a copy of his substitute.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order against the amendment.

Mr. BROOKS. Mr. Chairman, I rise to offer a substitute to the Young amendment concerning polygraph screening at the Defense Department. My amendment would continue the authority Congress granted the Department for this year to conduct a pilot program of polygraph screening until next year to enable Congress to better assess the merits of a counterespionage polygraph screening program. Concerned with questions regarding the polygraph's validity, accuracy, and susceptibility to countermeasures, Congress directed the Department of Defense to conduct a test program of 3,500 screening examinations this year. The Department has not conducted that program and my amendment would reauthorize it in the coming year.

I have been engaged in debate on the use and abuse of polygraphs for many years as a member, and now chairman, of the Government Operations Committee. That committee has overseen the Government's polygraph programs since the early 1960's. I need not review the history here, but I would emphasize that each time we have looked at them, we have concluded that there is no scientific basis for relying on the polygraph as a valid indicator of veracity. Now, in the aftermath of the revelations of the Walker spy ring—whose firm, I might add, performed polygraphs for Navy personnel—the cry for massive polygraph programs is once again heard. That hysteria to do something should not overwhelm our sound judgment.

Any informed decision on authorizing the widespread use of polygraphs must keep two important points in mind:

First, the polygraph is based on an extremely dubious scientific theory that a machine can determine one's truthfulness by measuring a few physical responses such as blood pressure, heartbeat and perspiration. Last year, the Government Operations Committee had the Office of Technology Assessment do a study of the available scientific literature on polygraph validity. OTA's report showed that, in 28 studies presenting "acceptable scientific criteria," correct guilty indications ranged from 35 percent to 100 percent when the polygraph was used in the performance of specific incident investigations. Correct innocent indications

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ranged from 12.5 percent to 94 percent.

The second point to keep in mind is that the OTA report concluded that there was no scientifically acceptable study to support the use of polygraphs for screening purposes. Use of the polygraph as a screening device necessitates our belief that this machine can determine in the abstract whether a person is a liar.

We should not confuse validity with utility. There is no question that the polygraph can be a very intimidating tool and may have some utility in that regard, just as the dunking stool, the rack, and the firing squad have had in past centuries. As former President Nixon says on the Watergate tapes about polygraphs, "I don't know how accurate they are, but I do know that they'll scare the hell out of people."

The proponents of the use of polygraphs for screening purposes seem to be willing to embrace its intimidation utility even in the absence of any scientific validity. Even that utility, however, ultimately rests on one's belief in the machine's validity. The person being examined must be convinced that the machine can determine when he is lying. That utility will evaporate quickly precisely in those instances when the Government needs it most—the detection of highly trained or sophisticated moles and spies. This is precisely why widespread reliance on the polygraph is especially dangerous in national security situations.

Last November, a former CIA employee and contractor, Karl Kotcher, was arrested in New York, along with his wife, for giving classified information to Czechoslovakian agents. He had passed polygraph screening exams during his employment with the CIA and he and his wife both passed lie detector tests during the FBI's investigation.

Another infamous American spy, Christopher Boyce—who sold U.S. satellite secrets to the Soviets in the mid-1970's—told the Senate Governmental Affairs Committee this spring that he was told by Soviet agents in Mexico that U.S. polygraph tests pose no problems for the KGB. Boyce indicated that the KGB agents told him "we have ways of having people pass polygraphs." Testimony before my committee indicated that there is a Soviet training school in the Eastern bloc which teaches Communist agents to beat the polygraph through countermeasures. Recently, a study by American scientists reported in the *Journal of Applied Psychology* found that college students in a mock crime investigation were able to fool two seasoned polygraph examiners almost 50 percent of the time by employing such countermeasures.

Mr. Chairman, reliance on a scientifically unsupported test for protection of our vital national secrets would be reckless. I oppose the Young amendment, which would mandate the screening use of polygraphs for over

100,000 of those with access to our most sensitive information and authorizes such use on millions more. Such a program would divert tremendous amounts of DOD's resources from more reliable full field background investigations.

My substitute amendment provides for a limited polygraph test program so that Congress may analyze the concerns many experts have regarding polygraph accuracy, validity, and susceptibility to countermeasures. This program is a reasonable and rational step toward exploring ways of enhancing our Nation's protection from espionage. We should continue to pursue that route, authorized by Congress last year, instead of going off half-cocked on some massive polygraph program that will create a false sense of security—the worst possible thing we could do at this time.

I urge all my colleagues to support my substitute amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. Brooks] has expired.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent to continue for another 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, and I have no objection actually to impose, but I would like to inquire of the chairman of the committee, is it his intention to rise at 10 o'clock? It is now 10 minutes of 10.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we did talk about rising at 10 and, of course, we do have a commitment that we go to the Foley amendment tomorrow morning.

Is there any chance that we could wrap this thing up in the next 10 or 15 minutes? It does seem unlikely, but if we could we would like to.

□ 2150

Mr. DICKINSON. Certainly I do not want to curtail or in any way inhibit the gentleman from Texas from making his full statement. I just wanted to get some idea as to how long the Chairman is willing to go this evening. If we could wrap this up this evening so we could start with the Foley amendment.

Mr. ASPIN. I think if it was possible to get a vote on it, I would feel more comfortable voting on it tonight. We could, of course, lay over until tomorrow, I think we ought to vote on it tonight.

Mr. DICKINSON. I thank the Chair. I will be circumspect in whatever time I consume. I am sure the gentleman from Texas will.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. YOUNG of Florida. Reserving the right to object. If I might further respond to the Chairman, this is a relatively important issue, as our own national security people tell us. I would hate to see it decided without at least reasonable opportunity to debate both the original amendment and the substitute by my friend from Texas.

Mr. ASPIN. If the gentleman will yield, I will take my lead from the gentleman from Florida. If the gentleman from Florida would like to debate this thing with the understanding that there is going to be no more votes tonight I would say we could be beyond 10 o'clock and continue and we would agree to vote on it tomorrow at the conclusion of the Foley amendment. Is that all right?

Mr. YOUNG of Florida. Mr. Chairman, further reserving the right to object, if possible, I do not think we are going to need a 2- or 3-hour debate here, I think 30 or 40 minutes could probably wrap it up.

Mr. ASPIN. We either have a vote at 10 o'clock or thereabouts or we have a vote tomorrow. If we have a vote tomorrow we can debate as long as anybody wants to stay here with the understanding there would be no more votes tonight. I think we could quit.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DICKINSON. Reserving the right to object, I do so in order to propound another inquiry of my chairman.

Assuming that we could wrap this thing up in the next 20 minutes or so and get a vote before 10:30, would the chairman be willing to go that long?

Mr. ASPIN. If the gentleman will yield, let us go to 10:15.

Mr. DICKINSON. OK. Let me ask is that all right with the gentleman from Texas in the well there?

Mr. BROOKS. If the gentleman will yield, I am not determining the length of time. I do not have that authority. If I did, we would have quit about 8 o'clock.

Mr. DICKINSON. Well, the gentleman would withdraw his substitute there we could get out of here a lot sooner.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas to proceed for an additional 5 minutes?

There is no objection.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin insist on his point of order?

Mr. SENSENBRENNER. No, Mr. Chairman, I withdraw my reservation on the point of order.

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Mr. DICKINSON. Mr. Chairman, I move to strike the last word, and I rise in opposition to the substitute.

Mr. Chairman, I have served with the gentleman from Texas for 20 years. I have great personal affection for him. I have great professional regard for him, we get along great. He is articulate, he is persuasive, but he is wrong.

Now, his argument is that because it is not 100-percent effective, do not do it. How ludicrous can you get? We see polygraphs used in our commercial enterprises, stores. He uses that as excuse why we should not do this because the KGB can train their agents to trick it. What the heck difference does that make? If it is only 50-percent effective, we need it. Now the National Security Agency, who is one of the most sensitive agencies that we have, they use it. The CIA uses it. The DIA, Defense Intelligence Agency, would like to use it, but they are under this 3,500 test pro, ram. They would like to use it. I do not know about the Secret Service. I do not know whether they use it or not. But the point is if it is only 10-percent effective, if the people out there that are going to be tested think there is a possibility that they are going to be tested with it and they had better not do it, it is effective. I do not care if you are a professional agent, you can get by with it and you are trained by the KGB, what we need is to give the tools to the people who are guarding the most sacred secrets of this country, give them an opportunity to ferret out these people. The Walkers were not professional KGB's, they were just ordinary citizens. They sold out for money. They were not trained and they were not subjected to this.

So I think it is shortsighted in the extreme to say because it is not 100-percent effective and we do not have 100-percent test results, that they are going to deny the same people who have the most sensitive secrets of this Government the right to randomly use the polygraph.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. HUNTER. I thank the ranking member for yielding.

Let me say we have a few, over 30, submarine boats, Poseidons in the water right now, we have about six Tridents. And the security of the free world largely rests on our capability to keep ahead of the Soviets in submarine technology and submarine-detection technology. A few of the figures were cited, as few of the costs were cited in the argument against going ahead with this polygraph program; let me say we have just lost billions of dollars because of the fact that we have had our technology compromised, and if it costs \$100 million, if it costs \$200 million to get enough polygraph agents to be able to make the tests on those perhaps tens of thou-

sands of people who have access to secret information that is critical to our survival, then we should go ahead with it. I commend the gentleman.

□ 2200

Mr. DICKINSON. Let me reclaim my time and tell you that the Soviets do not labor under this inhibition. By golly, you had better believe they use it.

I would be glad to yield to the gentleman.

Mr. NEAL. Mr. Chairman, I had the opportunity to sit through the hearings mentioned by the chairman of the Government Operations Committee, and I have been haunted by that testimony ever since.

I would like to emphasize what I think is the most important point made by the chairman of the committee. The problem is not, as the gentleman suggests, that you might pick up a few spies—

Mr. DICKINSON. A few?

Mr. NEAL. No; let me make the point. The point, the important point is, that because it is possible to defeat the veracity of these so-called lie detector tests by skilled people, the point is that if you depend on the lie detector test, it is very likely that you are going to get spies into sensitive spots because they know how to beat the test.

Mr. DICKINSON. Look, it is a tool; it is like any other tool. To say it is not 100 percent perfect, are you going to throw it out?

That is ridiculous.

I reclaim my time.

I yield to the gentleman.

Mr. SENSENBRENNER. I thank the gentleman from Alabama for yielding.

I have done some research into this issue on whether there is a constitutional objection to the use of the polygraph on a random basis, since the CIA and the National Security Agency have been using it for a number of years.

Mr. DICKINSON. Successfully.

Mr. SENSENBRENNER. Successfully. There is no case law on this subject, which to me indicates that the constitutional question is generally accepted; that it is constitutional for an employing agency to use this technique.

Mr. McCURDY. I move to strike the requisite number of words, Mr. Chairman.

(Mr. McCURDY asked and was given permission to revise and extend his remarks.)

Mr. McCURDY. Mr. Chairman, if I could have the attention of the gentleman from Florida and the gentleman from Alabama, the authors of this amendment, I would like to ask a couple questions, if I might.

The gentleman from Florida has served on the Intelligence Committee; he is a very serious member, and I have some basic questions as to the ef-

fectiveness and the implementation of the gentleman's amendment.

As the gentleman's amendment states, those that have access to special access programs shall be required to have this polygraph.

Mr. Britt Snyder, the principal director of Counterintelligence and Security Policy, Office of the Secretary of Defense, Department of Defense, on June 26, before the Senate Armed Services Committee raised some questions as to this approach.

He said: The problem is that there are over 100,000 people in Defense with SEI access and polygraph examinations would be required by law for such persons.

He said, It would take us several years, given our limited number of trained operators, before we could consider using the polygraph in other programs of equal, if not greater, sensitivity.

My question is, it is not the question of effectiveness as the gentleman has been saying. I am not challenging that. What I am asking is, have you provided any funds in your amendment for the implementation? You state a requirement; have you provided any funds?

How many people are we talking about that are required to have this polygraph? Personally, I believe the Department has a habit of classifying too many documents and allowing too many people access to classifications; but the gentleman does not address those issues.

Would the gentleman respond and tell us how you really intend to implement the program?

Mr. DICKINSON. Let me answer, and then I will yield to the gentleman from Florida, or you have the time, so you can yield.

Mr. McCURDY. I yield to the gentleman from Alabama.

Mr. DICKINSON. If it is only 10 percent effective, only 10 percent; and you can deter or discourage or catch 10 percent of the people, it is worth it.

I do not care what it costs; I think it is worthwhile. We have hobbled the CIA; we have hobbled the DIA; we do not want to keep them handcuffed; we will not allow them to use a tool. That is all it is.

Mr. McCURDY. If the gentleman will let me reclaim my time.

If the gentleman will allow, there is not a person here who is arguing with that statement. The gentleman is merely asking you, how in the world does the gentleman intend to implement it, and what is the requirement under the amendment?

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. McCURDY. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

We took into account the very point the gentleman made. We realize that it is a monumental task to do this, but

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we also say we had better get started. It is costing us a lot of money and a lot of our national security efforts are being compromised, but the amendment says that the Secretary of Defense shall institute a program, meaning that he will decide when, where, and who will be examined.

We recognize that it cannot be done immediately. There is no way it can be done immediately.

Mr. McCURDY. Subsection b, though, says "shall be required."

Mr. YOUNG of Florida. That is exactly correct.

Mr. McCURDY. That is not discretionary.

Mr. YOUNG of Florida. The program will be instituted by the Secretary.

The language was cleared with the Department of Defense, with their legal department, to make sure that we were not putting them in some kind of a time bind. We did not want to do that. Their legal opinion is, that this language allows them the time and the flexibility to institute that program.

Mr. BROOKS. Will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Texas.

Mr. BROOKS. I thank the gentleman and would like to point out that in conjunction with the business use of polygraphs, I have had some firsthand experience. In a business institution with which I am involved, they gave polygraph tests to people during the investigation of a theft. They identified a man they said was guilty based on the polygraph results. I said "it can't be so. He wouldn't steal a dime. Forget it." He is nervous as a cat. I said, "He's too nervous. He's too scared to steal."

About 3 weeks later they found out that somebody else stole that \$60,000—the man the polygraph test said was guilty never had touched it; he was innocent as a newborn babe.

It should be noted that polygraph information is not admissible in courts, because they have determined that is not any good. Let me tell you one other thing. If the gentlemen are going to rely on this foolish way of trying to determine veracity, you are going to implicate all the innocent people who are worried or upset about being interrogated with a polygraph machine. The good, hot shot criminals and spies are going to beat the rap.

If this polygraph thing were worth a cotton-picking thing, the wife of every Congressman in this place would buy one.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto end in 10 minutes, with 5 minutes being given to the gentleman from Alabama [Mr. DICKINSON] and 5 minutes being allocated to the gentleman from Texas [Mr. BROOKS].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. STUMP].

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Chairman, I rise in strong opposition to the Brooks substitute and in strong support of the Young amendment.

I rise in support of the Young amendment to require counterintelligence polygraph examinations for Department of Defense personnel with access to the Nation's most sensitive national security secrets.

Such legislation is long overdue, and I commend the gentleman from Florida for his efforts to ensure that this Nation can protect the military and intelligence secrets upon which our security depends.

Mr. Chairman, the flood of damaging espionage cases in the past 10 years, of which the Walker case is only the latest example, has revealed appalling weaknesses in our personnel security practices.

We must tighten up those practices, to ensure that we can maintain our security. I believe that establishment of a counterintelligence polygraph program for DOD military, civilian, and contractor personnel who have access to sensitive secrets will contribute greatly toward improving our security posture.

The Young amendment to establish the polygraph requirement for DOD personnel is an immediate and pressing security requirement.

We cannot afford to wait any longer to protect our vital military and intelligence secrets. I urge my colleagues to support the Young amendment.

Mr. YOUNG of Florida. Mr. Chairman, could the Chair advise us as to the time on this side?

The CHAIRMAN pro tempore. The gentleman from Alabama has reserved the balance of his time.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina.

Mr. NEAL. Based on the evidence that we have heard before the Government Operations Committee, if we entrust our national security to these gadgets, we are greatly endangering our national security.

There are people skilled in beating the polygraph test that can outsmart it, and would be perfectly willing to do so, and if we rely on it, those are precisely the people who we will be placing in positions of trust.

Now it is true on the other side; you might be able to scare a few people and catch some potential spies, very possibly so, but the real danger is placing reliance on a gadget of dubious scientific validity and greatly endangering our national security.

Mr. BATEMAN. Would the gentleman yield?

Mr. NEAL. I yield to the gentleman.

Mr. BATEMAN. The gentleman suggests that if we institute this program, that it is the only thing that we will be relying upon. That, I think, the gentleman will have to admit, is a preposterous notion; we are not going to drop anything else we are doing as ineffective; as proven to be in several instances, it is something in addition which is badly needed.

□ 2210

Mr. NEAL. Let me just make a point in about five more words, Mr. Chairman.

It is dangerous to our national security to entrust it, as is precisely the intent of the authors of this amendment to do, to a gadget of very dubious veracity.

I strongly support Chairman Brooks' amendment.

Mr. BROOKS. Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. I thank the gentleman for yielding.

Mr. Chairman, in spite of the theatrics tonight, this is a very basic, very simple proposition. All that we are asking to do is that the Pentagon adopt the same system that has been in place for years in the Central Intelligence Agency and the National Security Agency. It has been used safely and effectively.

The Deputy Director of the CIA, John McMahon:

I personally have no doubts that the polygraph is the most effective tool we have to identify and screen out individuals whose employment or affiliation could jeopardize our national security.

The Director of Naval Intelligence:

Threat of polygraph we know is a very big deterrent to espionage.

Finally, the Director of NSA, Gen. William Odom:

If the polygraph were removed from our system, that would seriously degrade the overall system.

It is a simple proposition. We are doing it today safely and effectively. There is no reason in the world why the Pentagon should not be subjected to the same restraints.

Mr. DICKINSON. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. DiGUARDI].

Mr. DiGUARDI. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Florida. I was in the process of drafting legislation very similar to this when I heard about the amendment. I think any Member of this House should support this amendment strongly who feels, as I do, about the terrible breach of security by the Walker family. I think the bottom line here is that we have the means of pre-

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venting this kind of thing in the future, and with all due respect to Chairman Brooks, I feel this is more than a gadget we are talking about. I think that for many years we have used this kind of lie detector situation in conjunction with people who know what they are doing.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida [Mr. YOUNG] and in opposition to the amendment offered by the gentleman from Texas. This issue is too serious to treat as a road show of "Saturday Night Live." We are talking about espionage. We are talking about secrets handed over to our mortal enemies. Everybody knows the polygraph is not perfect, it is not 100 percent, but it is a useful investigative tool. It is used by police departments around the country. The U.S. Supreme Court has held that it is not a violation of one's constitutional right to have to submit to a polygraph as a condition of employment when one is charged with an offense. We need to do something. We need to use a legitimate investigative tool.

So I urge that we respond to this Walker spy case, and others that we do not know much about, by requiring this. I support the amendment offered by the gentleman from Florida [Mr. YOUNG].

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. YOUNG], the originator of the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas reserves the balance of his time.

Mr. DICKINSON. Mr. Chairman, I had understood the gentleman had yielded back his time.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas [Mr. Brooks] reclaims his time and reserves the balance of his time.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. Dickinson] has 2 minutes remaining.

Mr. DICKINSON. If the gentleman from Texas has some time—

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. Brooks] is the proponent of the substitute. The Chair would recognize the gentleman from Texas to close debate.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. YOUNG].

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. YOUNG] is recognized for 2 minutes.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman. I rise in strong support of the proposal of the gentleman from Florida [Mr. YOUNG], and I urge its passage.

Mr. YOUNG of Florida. Mr. Chairman, the Brooks substitute would extend the test program already in effect. Adm. John Butts, the Director of the Office of Naval Intelligence, said in a statement today that if you took the information the Walker ring had access to, it would not qualify or would not be within a special access program, as defined today, and thus would not be subject to a counterintelligence polygraph examination under the test program that Mr. Brooks wants to extend.

Mr. Levchenko, a former KGB officer, tells us that it would frighten the Soviet away, that it would make it difficult.

Christopher Boyce said that he was afraid of a polygraph and would not take a job in the CIA because he knew he would have to take a polygraph.

Mr. Brooks says the scientific community cannot prove the validity or the veracity of a polygraph machine. Those people are not in charge of our national security, Mr. Chairman. Admiral Butts is in charge of our security. John McMahon of the CIA is in charge of our security. General Odom and NSA are in charge of our security. John Lehman, the Secretary of the Navy, is in charge of our security. Give the people that we have entrusted the responsibility to protect our national security, the tool that they all claim will be one of the most effective tools they could have in getting rid of the spies. Give our country some tools to battle the spies and the potential spies and the traitors and the potential traitors, much like we just recently did with the Bennett amendment, where we gave our country the ability to fight those heinous people who supply our children with drugs.

I say oppose the Brooks amendment and vote for the Dickinson-Young amendment, and let us get on with the business of protecting our national security with a tool that has been proven to be effective.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. Brooks] has 3 minutes remaining.

Mr. BROOKS. Mr. Chairman, I just want to say that, obviously, the tool is very defective. If you rely on a defective tool, you will be misreading the veracity of individuals, and the good criminals will survive and the moles will go deeper. We will be endangering this country, we do not protect it a bit with the Young amendment. The polygraph may be useful as an investigative tool but to screen 4 million people in the Defense Department. It is a waste of time. It would do nothing but obscure the facts. That is the truth of it. We should limit polygraphs to a

careful controlled investigatory use. We should not rely on it to screen individuals who are under no suspicion of wrong doing. As a screening tool it is a false, false bellwether.

I ask the Members to vote for my substitute amendment, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. Brooks] as a substitute for the amendment offered by the gentleman from Alabama [Mr. Dickinson].

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. BROOKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 121, yeas 281, not voting 31, as follows:

[Roll No. 199]

AYES—121

Ackerman	Frost	Panetta
Addabbo	Garcia	Pease
Akaka	Glickman	Perkins
Andrews	Gonzalez	Pickle
Anthony	Gray (PA)	Rangel
Atkins	Green	Reld
Barnes	Hawkins	Richardson
Bedell	Hayes	Robinson
Berman	Hertel	Rodino
Boggs	Hoyer	Roybal
Bonior (MI)	Hughes	Sabo
Boxer	Jacobs	Savage
Brooks	Jones (TN)	Scheuer
Bryant	Kastenmeier	Schroeder
Burton (CA)	Kennelly	Schumer
Bustamante	Kildee	Seiberling
Clay	Kostmayer	Sikorski
Coelho	LaFalce	Smith (FI)
Coleman (TX)	Leach (IA)	Staggers
Collins	Lehman (FL)	Stallings
Cooper -	Leland	Stark
Coyne	Levine (CA)	Stokes
Crockett	Long	Studds
Daschle	Lundine	Swift
de la Garza	Manton	Synar
Delums	Markey	Torres
Dorgan (ND)	Martinez	Towns
Downey	Matsui	Traficant
Dymally	McHugh	Traxler
Early	Mikulski	Udall
Eckart (OH)	Miller (CA)	Visclosky
Edgar	Mineta	Walgren
Edwards (CA)	Moody	Waxman
Evans (IL)	Morrison (CT)	Weiss
Fascell	Mrazek	Wheat
Fazio	Neal	Williams
Feighan	Nowak	Wolpe
Foglietta	Oakar	Wright
Foley	Oberstar	Yales
Ford (MI)	Obey	
Frank	Ortiz	

NOES—281

Alexander	Borski	Cobey
Anderson	Bosco	Coble
Applegate	Boucher	Coleman (MO)
Archer	Boulter	Combest
Armey	Breaux	Conte
Aspin	Broomfield	Coughlin
AuCoin	Brown (CO)	Courter
Bartlett	Broyhill	Craig
Barton	Bruce	Crane
Bateman	Burton (IN)	Daniel
Bates	Byron	Dannemeyer
Bennett	Callahan	Darden
Bentley	Campbell	Daub
Bereuter	Carney	Davis
Bevill	Carper	DeLay
Biaggi	Carr	Derrick
Bitirakis	Chandler	DeWine
Bliley	Chappell	Dickinson
Boehert	Chapple	Dingell
Boland	Cheney	DiGuardi
Boner (TN)	Clinger	Donnelly
Bonker	Coats	Dornan (CA)

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Dowdy
 Dreier
 Duncan
 Durbin
 Dwyer
 Dyson
 Eckert (NY)
 Edwards (OK)
 Emerson
 English
 Erdreich
 Evans (IA)
 Fawell
 Fiedler
 Fields
 Flippo
 Florio
 Fowler
 Franklin
 Frenzel
 Fuqua
 Gallo
 Gaydos
 Gejdenson
 Gekas
 Gephardt
 Gibbons
 Gilman
 Gingrich
 Goodling
 Gordon
 Gradison
 Gray (IL)
 Gregg
 Grotberg
 Guarini
 Gunderson
 Hall (OH)
 Hall, Ralph
 Hamilton
 Hammerschmidt
 Hansen
 Hartnett
 Heftel
 Hendon
 Henry
 Hiler
 Hillis
 Hopkins
 Howard
 Hubbard
 Huckaby
 Hunter
 Hutto
 Hyde
 Ireland
 Jeffords
 Jenkins
 Johnson
 Jones (OK)
 Kanjorski
 Kaptur
 Kasich
 Kemp
 Kindness
 Kleczka
 Kolbe
 Kolter
 Kramer
 Lagomarsino
 Lantos
 Latta

Leath (TX)
 Lehman (CA)
 Lent
 Levin (MI)
 Lewis (CA)
 Lewis (FL)
 Lightfoot
 Lipinski
 Livingston
 Lloyd
 Loeffler
 Lowery (CA)
 Lujan
 Lungren
 Mack
 MacKay
 Madigan
 Marlenee
 Martin (IL)
 Martin (NY)
 Mavroules
 Mazzoli
 McCain
 McCandless
 McCloskey
 McCollum
 McCurdy
 McDade
 McEwen
 McGrath
 McKernan
 McKinney
 McMillan
 Meyers
 Mica
 Michel
 Miller (OH)
 Miller (WA)
 Moakley
 Molinari
 Mollohan
 Monson
 Montgomery
 Moore
 Moorhead
 Morrison (WA)
 Murphy
 Murtha
 Myers
 Natcher
 Nelson
 Nichols
 Nielson
 O'Brien
 Olin
 Oxley
 Packard
 Parris
 Pashayan
 Penny
 Petri
 Porter
 Price
 Pursell
 Quillen
 Rahall
 Ray
 Regula
 Reid
 Richardson
 Ridge
 Rinaldo
 Roberts
 Robinson
 Roemer
 Rogers
 Rose
 Rostenkowski
 Roth
 Roukema
 Rowland (CT)
 Rowland (GA)
 Rudd
 Russo
 Saxton

Rogers
 Rose
 Rostenkowski
 Roth
 Roukema
 Rowland (CT)
 Rowland (GA)
 Rudd
 Russo
 Saxton
 Schaefer
 Schneider
 Schroeder
 Schuette
 Schulze
 Schumer
 Sensenbrenner
 Sharp
 Shaw
 Shelby
 Shuster
 Siskis
 Skeen
 Skelton
 Slattery
 Slaughter
 Smith (IA)
 Smith (NE)
 Smith (NH)
 Smith (NJ)
 Smith, Denny
 Snowe
 Snyder
 Solarz
 Solomon
 Spence
 Spratt
 St Germain
 Stangeland
 Stenholm
 Strang
 Stratton
 Stump
 Sundquist
 Sweeney
 Swindall
 Tallon
 Tauke
 Tauszin
 Taylor
 Thomas (CA)
 Thomas (GA)
 Torricelli
 Valentine
 Vander Jagt
 Volkmer
 Vucanovich
 Walker
 Watkins
 Weber
 Whitehurst
 Whitely
 Whittaker
 Wise
 Wolf
 Wright
 Wyden
 Wylie
 Yatron
 Young (AK)
 Young (FL)
 Young (MO)
 Zschau

NOT VOTING—31

Annunzio
 Badham
 Barnard
 Beilenson
 Brown (CA)
 Conyers
 Dicks
 Dixon
 Fish
 Ford (TN)
 Hatcher

Hefner
 Holt
 Horton
 Jones (NC)
 Lott
 Lowry (WA)
 Luken
 Mitchell
 Owens
 Pepper
 Ritter

Roe
 Shumway
 Siljander
 Vento
 Weaver
 Whitten
 Wilson
 Wirth
 Wortley

□ 2230

Messrs. BATES, JONES of Oklahoma, KINDNESS, and MOAKLEY changed their votes from "aye" to "no."

Mr. ANTHONY changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 71, not voting 29, as follows:

[Roll No. 200]

AYES—333

Alexander
 Anderson
 Andrews
 Applegate
 Archer
 Army
 Aspin
 Atkins
 AuCoin
 Badham
 Barnard
 Bartlett
 Barton
 Bateman
 Bates
 Bennett
 Bentley
 Bereuter
 Bevill
 Biaggi
 Bilirakis
 Billey
 Boehlert
 Boggs
 Boland
 Boner (TN)
 Bonker
 Borski
 Foley
 Bosco
 Boulter
 Boxer
 Breau
 Broomfield
 Brown (CO)
 Broyhill
 Bruce
 Bryant
 Burton (IN)
 Bustamante
 Byron
 Callahan
 Campbell
 Carney
 Carr
 Chandler
 Chappell
 Chappie
 Cheney
 Clinger
 Coats
 Cobey
 Coble
 Coelho
 Coleman (MO)
 Coleman (TX)
 Combest
 Conte
 Cooper
 Coughlin
 Courter
 Craig
 Crane
 Daniel
 Dannemeyer
 Darden
 Daschle
 Daub
 Davis
 de la Garza
 DeLay
 Derrick
 DeWine
 Dickinson
 DioGuardi

Donnelly
 Dorgan (ND)
 Dornan (CA)
 Dowdy
 Dreier
 Duncan
 Durbin
 Dwyer
 Dyson
 Early
 Eckart (OH)
 Eckert (NY)
 Edwards (OK)
 Emerson
 English
 Erdreich
 Evans (IA)
 Evans (IL)
 Fawell
 Fazio
 Feighan
 Fiedler
 Fields
 Flippo
 Florio
 Foglietta
 Foley
 Fowler
 Franklin
 Frost
 Fuqua
 Gallo
 Gaydos
 Gejdenson
 Gekas
 Gephardt
 Gibbons
 Gilman
 Gingrich
 Goodling
 Gordon
 Gradison
 Gray (IL)
 Gregg
 Grotberg
 Guarini
 Gunderson
 Hall (OH)
 Hall, Ralph
 Hamilton
 Hammerschmidt
 Hansen
 Hartnett
 Heftel
 Hendon
 Henry
 Hertel
 Hiler
 Hillis
 Hopkins
 Horton
 Howard
 Hoyer
 Hubbard
 Huckaby
 Hughes
 Hunter
 Hutto
 Hyde
 Ireland
 Jeffords
 Jenkins
 Johnson
 Jones (OK)

Kanjorski
 Kaptur
 Kasich
 Kemp
 Kennelly
 Kindness
 Kleczka
 Kolbe
 Kolter
 Kramer
 LaFalce
 Lagomarsino
 Lantos
 Latta
 Leath (TX)
 Lehman (CA)
 Lent
 Levin (MI)
 Lewis (CA)
 Lewis (FL)
 Lightfoot
 Lipinski
 Livingston
 Lloyd
 Loeffler
 Long
 Lowery (CA)
 Lujan
 Lungren
 Mack
 MacKay
 Madigan
 Manton
 Marlenee
 Martin (IL)
 Martin (NY)
 Martinez
 Mavroules
 Mazzoli
 McCain
 McCandless
 McCloskey
 McCollum
 McCurdy
 McDade
 McEwen
 McGrath
 McHugh
 McKernan
 McKinney
 McMillan
 Meyers
 Mica
 Michel
 Mikulski
 Miller (CA)
 Miller (OH)
 Miller (WA)
 Moakley
 Molinari
 Mollohan
 Monson
 Montgomery
 Moody
 Moore
 Moorhead
 Morrison (WA)
 Murphy
 Murtha
 Myers
 Natcher
 Neal
 Nelson
 Nichols
 Nielson

Nowak
 O'Brien
 Olin
 Ortiz
 Oxley
 Packard
 Panetta
 Parris
 Pashayan
 Penny
 Petri
 Pickle
 Porter
 Price
 Pursell
 Quillen
 Rahall
 Ray
 Regula
 Reid
 Richardson
 Ridge
 Rinaldo
 Roberts
 Robinson
 Roemer
 Rogers
 Rose
 Rostenkowski
 Roth
 Roukema
 Rowland (CT)
 Rowland (GA)
 Rudd
 Russo
 Saxton

Schaefer
 Schneider
 Schroeder
 Schuette
 Schulze
 Schumer
 Sensenbrenner
 Sharp
 Shaw
 Shelby
 Shuster
 Sikorski
 Siskis
 Skeen
 Skelton
 Slattery
 Slaughter
 Smith (FL)
 Smith (IA)
 Smith (NE)
 Smith (NH)
 Smith, Denny
 Smith, Robert
 Snowe
 Snyder
 Solarz
 Solomon
 Spence
 Spratt
 St Germain
 Stagers
 Stainings
 Stangeland
 Stenholm
 Strang

Stratton
 Stump
 Sundquist
 Sweeney
 Swindall
 Tallon
 Tauke
 Tauszin
 Taylor
 Thomas (CA)
 Thomas (GA)
 Torres
 Torricelli
 Traxler
 Udall
 Valentine
 Vander Jagt
 Volkmer
 Vucanovich
 Waigren
 Walker
 Watkins
 Weber
 Whitehurst
 Whitley
 Whittaker
 Wise
 Wolf
 Wright
 Wyden
 Wylie
 Yatron
 Young (AK)
 Young (FL)
 Young (MO)
 Zschau

NOES—71

Addabbo
 Akaka
 Anthony
 Barnes
 Bedell
 Berman
 Bonior (MI)
 Boucher
 Brooks
 Burton (CA)
 Clay
 Collins
 Coyne
 Crockett
 Dellums
 Dingell
 Downey
 Dymally
 Edgar
 Edwards (CA)
 Ford (MI)
 Frank
 Garcia
 Glickman

Gonzalez
 Gray (PA)
 Green
 Hawkins
 Hayes
 Jacobs
 Jones (TN)
 Kastenmeier
 Kildee
 Kostmayer
 Leach (IA)
 Lehman (FL)
 Leland
 Levine (CA)
 Lowry (WA)
 Lundine
 Markey
 Matsui
 Mineta
 Morrison (CT)
 Mrazek
 Oaker
 Oberstar
 Obey

Pease
 Perkins
 Rangell
 Rodino
 Roybal
 Sabo
 Savage
 Scheuer
 Seiberling
 Stark
 Stokes
 Studds
 Swift
 Synar
 Towns
 Traficant
 Visclosky
 Waxman
 Weiss
 Wheat
 Williams
 Wolpe
 Yates

NOT VOTING—29

Ackerman
 Annunzio
 Beilenson
 Brown (CA)
 Conyers
 Dicks
 Dixon
 Fish
 Ford (TN)
 Frenzel

Hatcher
 Hefner
 Holt
 Jones (NC)
 Lott
 Luken
 Mitchell
 Owens
 Pepper
 Ritter

Roe
 Shumway
 Siljander
 Vento
 Weaver
 Whitten
 Wilson
 Wirth
 Wortley

□ 1050

So the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. PANETTA. Mr. Chairman, as the author of the Military Family Services Act, H.R. 1371, I am pleased today to stand before you and discuss the great strides we are in the process of making in advancing the cause, and improving the living standards of the men and women who serve this country in uniform, and of the families to whom they are responsible. This Defense Authorization Act contains many of the key elements in my bill. It contains programs for, and pledges equity to the military family; a unit